

CAPE ELIZABETH TOWN COUNCIL MINUTES
Regular Meeting # 3 -2011
Cape Elizabeth Town Hall
Monday, February 14, 2011
7:30 p.m.

Roll Call by the Town Clerk

Present Absent

David S. Sherman, Jr., Chair	74 Hunts Point Road	X	749-2668	12/2011
Frank J. Governali	18 Old Ocean House Road	X	799-5842	12/2013
Caitlin R. Jordan	83 Old Ocean House Road	X	799-7743	12/2013
Sara W. Lennon	54 Cranbrook Drive	X	741-5139	12/2012
Jessica L. Sullivan	38 Cranbrook Drive	X	774-0115	12/2012
Anne E. Swift-Kayatta	14 Stone Bridge Road	X	767-5754	12/2011
James T. Walsh	23 Rock Crest Drive	X	799-6730	12/2012
Michael K. McGovern, Town Manager		X		
Debra M. Lane, Town Clerk		X		

The Pledge of Allegiance to the Flag

Town Council Reports and Correspondence

Councilor Lennon, Finance Committee Chair presented her monthly finance report including the status of the Public Works budget related to overtime, fuel and salt and sand accounts, the decline of state revenue sharing and the schedule for the upcoming fiscal year 2012 budget.

Manager McGovern suggested the option of hearing public comments at the April 11 council meeting on the status of the budget. This recommendation is in response to avoid the hearing and vote on the budget the same evening. The final vote on the budget is scheduled for April 25 and the validation election on May 10. This schedule also provides public comment earlier in the process. It was a consensus of the Town Council to add an item to the April 11 agenda to receive public comments on the budget.

Citizen Opportunity for Discussion of Items Not on the Agenda None

Town Manager's Report

Manager McGovern acknowledged and thanked the members of the Public Works Department for the great job they are doing this winter. The extended work week into nights and weekends is appreciated. Online property tax payments should be available to taxpayers following the mailing of the tax bills on February 18. Thank you to Debra Lane for her work on this project.

A workshop will be held at 7:00 p.m. Thursday, February 17 in the Town Council Chamber related to possible electricity cooperative with the City of South Portland and the Town of Scarborough. The councils from the three communities are invited to attend.

Chair Sherman also recognized and thanked Bob Malley and the Public Works Department crew for their efforts this winter.

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Review Minutes of January 10, 2011 Meeting

Moved by Jessica L. Sullivan and Seconded by James T. Walsh

Ordered the Cape Elizabeth Town Council approves the minutes of Meeting #2-2011 held January 10, 2011 as presented.

(7 yes) (0 no)

Item # 44-2011 Ocean House Pizza Malt and Vinous License Renewal

Moved by Sara W. Lennon and Seconded by Jessica L. Sullivan

Ordered the Cape Elizabeth Town Council approves the renewal application of the Ocean House Pizza 327 Ocean House Road for a vinous and malt liquor license as presented.

(7 yes) (0 no)

Item # 45-2011 Authorization to Apply for Grant

Intro – Manager McGovern

Present – Chief Neil Williams

Moved by Anne E. Swift-Kayatta and Seconded by James T. Walsh

Ordered the Cape Elizabeth Town Council authorize the Town of Cape Elizabeth to apply to Cumberland County for a Community Development Block Grant to work with Family Crisis Services and the Towns of Gorham, Naples, Scarborough and Standish to improve services to respond to instances of domestic violence as presented.

(7 yes) (0 no)

See attachment.

Item # 46-2011 Aster Lane

Present – Chief Neil Williams

Moved by Jessica L. Sullivan and Seconded by Anne E. Swift-Kayatta

Ordered the Cape Elizabeth Town Council approves the recommendation of the Addressing Officer Chief Neil Williams that the portion of South Street that is in the Spurwink Woods Subdivision be renamed from South Street to Aster Lane as presented. (Rename to Aster Lane that portion of the currently named South Street beginning at a point 470 feet southerly of Stephenson Street and extending southerly to the terminus of South Street within the Spurwink Woods subdivision. The first 470 feet of South Street beginning at Stephenson Street and extending southerly shall remain as South Street.)

(7 yes) (0 no)

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Item # 47-2011 Fort Williams Park 2011 Group Use Requests

Moved by Anne E. Swift-Kayatta and Seconded by Caitlin R. Jordan

Ordered the Cape Elizabeth Town Council approves the recommendations of the Fort Williams Advisory Commission for the following group use requests in Fort Williams Park for 2011:

Cape Elizabeth Little League	Per January 3, 2011 Request
Family Fun Day	June 11, 2011
CEHS Graduation	June 12, 2011 & Prior Rehearsals
Portland Amateur Wireless Association	June 25, 2011 and June 26, 2011
TD Beach to Beacon Road Race	August 6, 2011 (Setup beginning on August 2)
Monhegan Race Observation Post	August 12-14, 2011
Engine One Art Show	September 4' 2011(Rain date 9/5/11)

(7 yes) (0 no)

Item # 48-2011 Citizen Participation at Fort Williams Advisory Commission Meetings

Moved by Anne E. Swift-Kayatta and Seconded by Caitlin R. Jordan

Ordered the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Advisory Commission provisions for citizen participation at their meetings as amended.

(7 yes) (0 no)

**Fort Williams Advisory Commission
Rules For Public Participation at Meetings**

Persons wishing to address topics on the agenda may do so following introduction of the item by the chairman and prior to the Commission discussion. Any person wishing to address the Commission shall signify by raising their hand. When recognized by the chairman, the speaker shall give his or her name and affiliation, if applicable. Comments shall be limited to three minutes per person. The time may be extended by a majority vote of the members present.

Persons wishing to address topics not on the agenda may do so following the Call to Order and the approval of any applicable meeting minutes. On each meeting agenda, there will be an item titled "Public Comment", which shall be placed directly after the approval of any meeting minutes.

The chairman shall ask if there are any members of the public who wish to speak. Any person wishing to address the Commission shall give his or her name and/or affiliation. Comments shall be limited to three minutes per person. The time may be extended by a majority vote of the Commission members present.

In the event there is a topic of interest to many persons, or if the Commission members wish to solicit public comment on a particular issue, a separate meeting or public forum may be scheduled. Rules of the meeting or forum will be discussed by the Commission and published prior to the meeting or forum.

During a workshop, persons may not comment on any issue and/or topic without the approval of a majority of the Commission members present. Comments shall be limited to three minutes per person. The time may be extended by a majority vote of the Commission members present.

Decorum

Persons present shall not applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting. Expressions of approval or disapproval may be intimidating to others who wish to speak

Item # 49-2011 Citizen Participation at Recycling Committee Meetings

Moved by Sara W. Lennon and Seconded by Caitlin R. Jordan

Ordered the Cape Elizabeth Town Council approves the recommendation of the Recycling Committee provisions for citizen participation at their meetings as amended.

(7 yes) (0 no)

**Recycling Committee
Rules For Public Participation at Meetings**

Persons wishing to address topics on the agenda may do so following introduction of the item by the chairman and prior to the Committee discussion. Any person wishing to address the Committee shall signify by raising their hand. When recognized by the chairman, the speaker shall give his or her name and affiliation, if applicable. Comments shall be limited to three minutes per person. The time may be extended by a majority vote of the members present.

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Item # 50-2011 Appointments Committee Recommendations

Intro – Councilor Sullivan, Chair Appointments Committee

Moved by Jessica L. Sullivan and Seconded by James T. Walsh

Ordered the Cape Elizabeth Town Council approves the Appointments Committee recommendations for the following citizens to serve in vacant positions on boards and commissions as presented.

(7 yes) (0 no)

Conservation Commission Term is effective immediately and expires 12/31/2013	Garvan D. Donegan	12 Cranbrook Drive
Planning Board Unexpired term is effective immediately and extends to 12/31/2011	Richard B. Olfene, Jr.	99 Old Ocean House Road
Zoning Board of Appeals Term is effective immediately and expires 12/31/2013	Christopher Straw	597 Shore Road
Future Open Space Preservation Committee	Wayne A. Brooking, Jr. Craig Cooper Bo Norris	223 Two Lights Road 150 Ocean House Road 76 Brentwood Road

Item # 51-2011 Boat Rack Storage Program
Present – Dena DeSena, Chair Conservation Commission

Moved by Anne E. Swift-Kayatta and Seconded by Jessica L. Sullivan

Ordered the Cape Elizabeth Town Council approves the recommendation of the Conservation Commission to establish a \$50.00 fee for boats left after the established deadline to remove as outlined in the Great Pond Boat Storage Easement program and that boats left after the deadline not participate in the program the following year as presented. The Town Council thanks the Conservation Commission and the Sprague Corporation for their work on this program.

(7 yes) (0 no)

Item # 52-2011 Quit Claim Deed

Moved by Jessica L. Sullivan and Seconded by James T. Walsh

Ordered the Cape Elizabeth Town Council authorizes the Town Manager to sign a quit-claim deed of Town foreclosed property on 145 Mitchell Road back to the prior owners Jeffrey S. & Carolyn R. Putnam as presented.

(7 yes) (0 no)

Item # 53-2011 School Boiler Financing

Intro – Manager McGovern

Moved by Sara W. Lennon and Seconded by Frank J. Governali

Ordered the Cape Elizabeth Town Council appropriates \$200,000 from the municipal undesignated fund balance for the estimated \$350,000 Cape Elizabeth High School boiler project. The balance of the cost of the project is to be funded by the school department but shall involve no borrowing for a period of more than five years. The School Board shall otherwise determine how to finance the school department share. The estimated cost of \$29,000 for the heating of the Donald Richards' pool shall be funded through existing municipal funds for energy related projects.

(7 yes) (0 no)

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Item # 54-2011 Alewife Regulations

Moved by Anne E. Swift-Kayatta and Seconded by Caitlin R. Jordan

Ordered the Cape Elizabeth Town Council renews its right to govern alewife harvesting as presented.

(7 yes) (0 no)

TOWN OF CAPE ELIZABETH
ALEWIFE REGULATIONS -2011

Regulations for the taking of alewives shall be as follows:

A minimum unobstructed opening of two feet (2') shall be maintained at all times between the riverbank and the downstream end of the weir.

The maximum mesh size of wire, twine, or other material used in the weir shall not exceed one inch by one inch (1" x 1").

There shall be a 72-hour weekly closed season on alewives from sunrise each Thursday morning until sunrise the following Sunday morning. No fish shall be taken during this period and alewives must be allowed to escape upstream to spawning areas. During the closed season, a natural unobstructed opening of three feet by three feet (3' x3') shall be maintained in the upstream and downstream end of the trap to allow for escapement of spawning alewives and other migratory fish.

Migratory fish such as salmon, shad, or other species except alewives and blueback herring that enter the trap, shall be removed and allowed to pass upstream.

Fishing operations shall cease and all fishing gear obstructing the passage of fish shall be removed from the fishing waters not later than June 5.

The total landings in pounds or bushels and value of the catch shall be made available to the Maine Department of Marine Resources and/or National Marine Fisheries Service on request by these agencies.

The town manager shall grant harvesting rights with preference being given to commercial fishermen and to landowners abutting any stream where the harvesting is to occur. No one may enter upon the land of another for the purpose of harvesting alewives except with permission of the landowner.

Additional Regulations for Streams with Atlantic Salmon Runs

The entrance to the dipping pen or trap shall be covered by bars, slats, or spacers with a maximum width of two inches (2") between said bars, slats or spacers.

Dipping of alewives shall be confined to the dipping pen or trap.

Item # 55-2011 FEMA Risk Map Process

Intro – Manager McGovern

Moved by Anne E. Swift-Kayatta and Seconded by James T. Walsh

Ordered the Cape Elizabeth Town Council authorizes the Town Manager to sign a memorandum of understanding with FEMA regarding the Risk Map Process.

(7 yes) (0 no)

See attachment.

Citizen Opportunity for Discussion of Items Not on the Agenda

None

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Manager McGovern remembered Juliette P. Henchey, wife of the late John E. Henchey. Mr. Henchey was the manager's predecessor. Mrs. Henchey supported her husband through his years of municipal service. She died on January 19. Coast Guard Admiral Richard I. Rybacki died on February 7. Admiral Rybacki was instrumental in the lease of the Portland Head Light to the Town of Cape Elizabeth and bringing OpSail 2000 to Portland.

Item # 56-2011 Executive Session Request

Moved by James T. Walsh and Seconded by Sara W. Lennon

Ordered the Cape Elizabeth Town Council enters into executive session at 8:34 p.m. in conformance with 1 MRSA §405 6 A to continue the annual evaluation of the Town Manager.
(7 yes) (0 no)

Moved by Sara W. Lennon and Seconded by James T. Walsh

Ordered the Cape Elizabeth Town Council exits executive session at 9:30 p.m. and reenters public session.
(7 yes) (0 no)

Adjournment

Moved by James T. Walsh and Seconded by Sara W. Lennon

Ordered the Cape Elizabeth Town Council adjourns at 9:30 p.m.
(7 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk

Upcoming Meetings

Town Council Meetings in 2011	Workshop Meetings
February 14	February 17 @ 7:00 p.m.
March 14	Finance Committee March 16 and 21
April 11 and 25	Finance Committee April 4 and 6
May 9	May 2
June 13	June 6
July 11	
August 8	
September 12	September 6
October 12	October 3
November 14	November 7
December 12	December 5